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TECH CENTER 160Q/2900

process for making a product claim 15, was distinct from process for making a product claim 16

because, according to the Examiner, *process* claim 15 was a *method of use* claim. It is not.

Process for making a product claim 15, *is a process* for making a product claim, *not a method/process of use* claim. Thus, for the reasons presented below, it respectfully is submitted that the restriction between the Group III *process* claim 15 and the Group IV *process* claims 16-20, is in error. Claims 15-20 are all process claims.

In addition, because the Examiner did not give *any* reason for why he believed the product (Group I claims) and the process (Group III and IV claims) were "distinct," the Examiner did not meet his burden of demonstrating that the Group I product claims (1-8) were distinct from all of the process claims (15-20 (Groups III and IV)).

Thus, for these, and the further reasons presented below, it respectfully is submitted that the restriction requirement between Groups I, III, and IV should, at least, be withdrawn.

* * *

Please amend the application as follows:

IN THE CLAIMS

Please amend the claims as follows:

Sub C1
1. (Amended) A phytosterol and/or phytostanol ester compound produced from a reaction of a phytosterol and/or a phytostanol with eicosapentaenoic acid or docosahexaenoic acid [a polyunsaturated fatty acid, wherein the polyunsaturated fatty acid has from 18 to 22 carbon atoms and at least three carbon-carbon double bonds].

Please cancel claim 7.

8. (Amended) A composition comprising a compound according to claim 1 in admixture with a second [another] ester of a phytosterol and/or phytostanol, wherein the second ester is [optionally also in admixture with a free phytosterol, a free phytostanol, and/or PUFA glycerides or esters, said another ester of a phytosterol and/or phytostanol being] the product of an [the] esterification reaction between a phytosterol and/or phytostanol and (a) a fatty acid having less than 18 or more than 22 carbon atoms and at least three carbon-carbon double bonds and/or; (b) a fatty acid having from 18 to 22 carbon atoms and less than three carbon-carbon double bonds.

Please add the following claims:

--21. A composition according to claim 8 further comprising, in admixture, a free phytosterol, a free phytostanol, and/or PUFA glycerides or esters.--

--22. The product of process claim 15.--

--23. The product of process claim 16.--

REMARKS